

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(CHARLESTON DIVISION)**

David Oppenheimer,

Plaintiff,

v.

Michael C. Scarafile, Patricia R. Scarafile,  
Sheila Glover Romanosky, and  
O'Shaughnessy Real Estate, Inc., d/b/a  
Carolina One Real Estate,

Defendants.

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§ CASE NO: 2:19-cv-3590-BHH

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**COVER SHEET – EXH 1  
LEJUNE 7-9-21 CORRESPONDENCE**

**Scott Francis**

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**From:** Jeremy Stipkala <jeremy.stipkala@thrive-ip.com>  
**Sent:** Friday, July 9, 2021 5:58 PM  
**To:** Dana LeJune; Scott Francis  
**Cc:** Will LaSalle; Megan Moody; sam@allenlegal.net; Paula Taylor; Joann Korleski  
**Subject:** Re: Oppenheimer v. Scarafile - Notices of Depositions of Mr. Oppenheimer and Performance Impressions LLC

Dear Dana:

At this time, it makes no sense to agree to fewer than the rules-allotted full times for the individual's deposition and for the LLC's deposition. If our questions are answered in less than the allotted time, I assure you that we will conclude the depositions promptly.

We can offer to do the 30(b)(6) deposition in North Charleston on July 30, 2021, if you agree to supply the requested documents for that deposition seven (7) days in advance. If we have the documents in advance, surely the 30(b)(6) deposition will proceed more smoothly and likely conclude sooner.

Please let me know.

Also, I presume that you (Dana and Scott) will NOT accept service for Performance Impressions LLC, nor waive the required fee to be paid upon service of the subpoena. If I misunderstand, let me know Monday morning July 12, 2021, by 9 AM CDT.

Great weekend, all!

With best regards,

Jeremy

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**From:** Dana LeJune <dleJune@triallawyers.net>  
**Date:** Friday, July 9, 2021 at 11:48 AM  
**To:** Jeremy Stipkala <jeremy.stipkala@thrive-ip.com>, Scott Francis <scott@triallawyers.net>  
**Cc:** Will LaSalle <wlasalle@thrive-ip.com>, Megan Moody <megan@carolinaoneplus.com>, sam@allenlegal.net <sam@allenlegal.net>, Paula Taylor <paralegal@triallawyers.net>, Joann Korleski <joann@allenlegal.net>  
**Subject:** RE: Oppenheimer v. Scarafile - Notices of Depositions of Mr. Oppenheimer and Performance Impressions LLC

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Mr. Stipkala:

We'd like to get agreement on some parameters which we believe are appropriate for these depositions.

One proposal is for you to take the entity's depo first, and ask all your questions for both the entity and the individual in the seven hours' allotted. Mr. Oppenheimer IS the entity, so there would be no other witnesses proffered for the 30b6.

If we can agree on these issues irrespective of the topics listed, we won't be forced to file a motion to quash or modify the *subpoena* and taking of the depositions on the basis of over-burdensomeness, and that doing them separately is not proportionate to the needs of the case.

Please respond to this email promptly, and in any case by midday Monday July 12.

Dana LeJune  
Board-Certified Trial Lawyer,  
Texas Board of Legal Specialization  
Licensed Texas and North Carolina  
Rated "Pre-eminent" by Martindale Hubbell

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"Patriotism means to stand by the country. It does not mean to stand by the president or any other public official, save exactly to the degree in which he himself stands by the country. It is patriotic to support him insofar as he efficiently serves the country. It is unpatriotic not to oppose him to the exact extent that by inefficiency or otherwise he fails in his duty to stand by the country." Teddy Roosevelt

**From:** Jeremy Stipkala <jeremy.stipkala@thrive-ip.com>  
**Sent:** Wednesday, July 7, 2021 9:55 PM  
**To:** Dana LeJune <dleJune@triallawyers.net>; Scott Francis <scott@triallawyers.net>  
**Cc:** Will LaSalle <wlasalle@thrive-ip.com>; Megan Moody <megan@carolinaoneplus.com>; sam@allenlegal.net; Paula Taylor <paralegal@triallawyers.net>; Joann Korleski <joann@allenlegal.net>  
**Subject:** Oppenheimer v. Scarafile - Notices of Depositions of Mr. Oppenheimer and Performance Impressions LLC

Dear Dana and Scott:

Please find attached a Deposition Notice of David Oppenheimer and a Notice of Rule 30(b)(6) Deposition of Performance Impressions LLC.

Please let me know by Friday, July 9, 2021, whether you (Dana and Scott) will accept service of the subpoena on behalf of non-party Performance Impressions LLC, and waive the fee required by Fed. R. Civ. P. 45(b)(1).

With best regards,

Jeremy

Jeremy M. Stipkala, Ph.D., J.D.  
U.S. Patent Attorney

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